

108TH CONGRESS
2D SESSION

H. R. 4661

To amend title 18, United States Code, to discourage spyware, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 23, 2004

Mr. GOODLATTE (for himself, Ms. LOFGREN, and Mr. SMITH of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to discourage spyware, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Spyware (I-
5 SPY) Prevention Act of 2004”.

6 **SEC. 2. PENALTIES FOR CERTAIN UNAUTHORIZED ACTIVITIES**
7 **RELATING TO COMPUTERS.**

8 (a) IN GENERAL.—Chapter 47 of title 18, United
9 States Code, is amended by inserting after section 1030
10 the following:

1 **“§ 1030A Illicit indirect use of protected computers**

2 “(a) Whoever intentionally accesses a protected com-
3 puter without authorization, or exceeds authorized access
4 to a protected computer, by causing a computer program
5 or code to be copied onto the protected computer, and in-
6 tentiously uses that program or code in furtherance of
7 another Federal criminal offense shall be fined under this
8 title or imprisoned 5 years, or both.

9 “(b) Whoever intentionally accesses a protected com-
10 puter without authorization, or exceeds authorized access
11 to a protected computer, by causing a computer program
12 or code to be copied onto the protected computer, and by
13 means of that program or code—

14 “(1) intentionally obtains, or transmits to an-
15 other, personal information with the intent to de-
16 fraud or injure a person or cause damage to a pro-
17 tected computer; or

18 “(2) intentionally impairs the security protec-
19 tion of the protected computer;
20 shall be fined under this title or imprisoned not more than
21 2 years, or both.

22 “(c) No person may bring a civil action under the
23 law of any State if such action is premised in whole or
24 in part upon the defendant’s violating this section. For
25 the purposes of this subsection, the term ‘State’ includes

1 the District of Columbia, Puerto Rico, and any other terri-
 2 tory or possession of the United States.

3 “(d) As used in this section—

4 “(1) the terms ‘protected computer’ and ‘ex-
 5 ceeds authorized access’ have, respectively, the
 6 meanings given those terms in section 1030; and

7 “(2) the term ‘personal information’ means—

8 “(A) a first and last name;

9 “(B) a home or other physical address, in-
 10 cluding street name;

11 “(C) an electronic mail address;

12 “(D) a telephone number;

13 “(E) a Social Security number, tax identi-
 14 fication number, drivers licence number, pass-
 15 port number, or any other government-issued
 16 identification number; or

17 “(F) a credit card or bank account number
 18 or any password or access code associated with
 19 a credit card or bank account.”.

20 (b) CONFORMING AMENDMENT.—The table of sec-
 21 tions at the beginning of chapter 47 of title 18, United
 22 States Code, is amended by inserting after the item relat-
 23 ing to section 1030 the following new item:

“1030A. Illicit indirect use of protected computers.”.

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